

April 18, 2002

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -2001 | (Comm. 11M-1)  |
| a. | <b>RALPH D MIRANDA:</b> Copy of Correspondence to Legislator Greenan Re: Scanner Law.<br>(5-0)   |      |       |                |
|    | Item   | Page | -2001 | (Comm. 14E-73) |
| b. | <b>COUNTY EXECUTIVE:</b> Copies of Letters to Various Members of Congress Re: Double-Crested Cormorant Threat to Future of Lake Erie Fishery.<br>(5-0)                 |      |       |                |
|    | Item   | Page | -2001 | (Intro. 15-8)  |
| c. | <b>CHASE, McCARVILLE, LARSON, GREENAN &amp; WEINSTEIN:</b> Amending NYS Insurance Law to Use Lands for Recreational Activities.<br>(5-0)                               |      |       |                |
|    | Item   | Page | -2002 | (Comm. 8E-5)   |
| d. | <b>DUSZA:</b> Letter to Clerk of Legislature Re: Buffalo News Article Concerning Project in 8 <sup>th</sup> Legislative District.<br>(5-0)                             |      |       |                |
|    | Item   | Page | -2002 | (Comm. 8E-43)  |
| e. | <b>COUNTY EXECUTIVE:</b> EC Southtowns Sewage Treatment Agency Engineering Service Agreements – Work Order URS-2, Comm. 18E-41.<br>(5-0)                               |      |       |                |
|    | Item   | Page | -2002 | (Comm. 8E-46)  |
| f. | <b>COUNTY EXECUTIVE:</b> ECSD No. 3 – Rehab & Upgrade of Point Breeze, Lake Street, Buffalo Beach, Shore Cliff & Herr Road Pumping Stations.<br>(5-0)                  |      |       |                |
|    | Item   | Page | -2002 | (Comm. 8E-50)  |
| g. | <b>COUNTY EXECUTIVE:</b> Southtowns Sewage Treatment Agency – Engineering Service Agreements – Work Order URS-1, Comm. 18E-41.<br>(5-0)                                |      |       |                |
|    | Item   | Page | -2002 | (Comm. 8E-51)  |
| h. | <b>COUNTY EXECUTIVE:</b> ECSD No. 2 – Southwest Interceptor & Pumping Station Facilities Evaluation – URS Greiner Woodward Clyde (URSGWC) Change Order No. 5.<br>(5-0) |      |       |                |

2.       Item                      Page                      -2001                      (Comm. 1E-27)  
           **COUNTY EXECUTIVE**

RESOLUTION NO.

RESOLUTION DATED \_\_\_\_\_, 2002.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT No. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) April 18, 2002.

(Adopted) \_\_\_\_\_, 2002

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created in the 1960s (the "Original District"), and

WHEREAS, in the 1980s an extension to the Original District known as the Armor-McKinley Extension (the "Armor-McKinley Extension") was formed, along with other extensions to the Original District, (the Original District and the Armor-McKinley Extension hereinafter collectively referred to as the "District"), and

WHEREAS, such County Legislature has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on February 27, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the elimination of the Southwestern and Greenmeadow Pumping Stations and the construction of new sewer lines to replace said pumping stations, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,500,000, to be assessed against a benefited area which consists of the entire area of the District, as defined herein, exclusive of any extensions other than the Armor-McKinley Extension; and

WHEREAS, pursuant to applicable provisions of Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the expenditure of funds for said increase and improvement because the cost thereof to the Typical Property (as defined in the County Law) is \$5.07; such cost not being above the Average Estimated Cost of \$17.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 23<sup>rd</sup> day of May, 2002, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 23<sup>rd</sup> day of May, 2002, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County.

The increase and improvement of such facilities consisting of the elimination of the Southwestern and Greenmeadow Pumping Stations and the construction of new sewer lines to replace said pumping stations, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on February 27, 2002 (the "Report").

The maximum estimated cost of such increase and improvement of facilities is \$1,500,000, to be assessed against a benefited area, such area consisting of the Original District and the Armor-McKinley Extension, as further described in the Report.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$5.07. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,  
\_\_\_\_\_, 2002.

BY ORDER OF THE COUNTY  
LEGISLATURE OF THE COUNTY OF  
ERIE, NEW YORK

By \_\_\_\_\_  
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Front Page" and in the "Hamburg Sun", the official newspapers of said County, and in "The Buffalo News", not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

3.      Item                      Page                      -2002                      (Comm. 5E-27)

**COUNTY EXECUTIVE**

WHEREAS, Capital Project 430 516, ECSD No. 3 Holland Extension will be closed out in 2002; and

WHEREAS, there is a cash balance of \$100,560.29 as of November 30, 2001; and

WHEREAS, there is a debt service balance of \$73,350.00 remaining for this project; and

WHEREAS, Erie County Sewer District No. 3 has created a Capital Reserve Account for future construction; and

WHEREAS, the use of said cash will have no impact on the approved 2002 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that \$73,350.00 be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

RESOLVED, that the cash balance of \$27,210.00 and any additional accrued interest be transferred into Erie County Sewer District No. 3's Capital Reserve Account for future plant improvements, equipment and new sewer extensions; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney.

(5-0)

4.       Item                      Page                      -2002                      **AS AMENDED**  
               **COUNTY EXECUTIVE**  
               (WComm. 5E-32)

WHEREAS, the Erie County Department of Environment and Planning has received the low bid for the Erie County Sewer District No. 2, 4 & 6, Pumping Stations Structural and Cathodic Protection Rehabilitation, Contract No. 58PS, on March 26, 2002 from Kandey Company, Inc. for a total bid amount of \$347,000.00; and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County; and

WHEREAS, the Erie County Department of Environment and Planning recommends the award of Contract No. 58PS to the aforementioned low bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Pumping Stations Structural and Cathodic Protection Rehabilitation, Contract No. 58PS, be awarded to Kandey Company, Inc. for a total bid of \$347,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder, Kandey Company, Inc., for a total bid amount of \$347,000.00 subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$173,000.00 from Erie County Sewer District No. 2, Fund No. 430, Project No. 147; \$134,000.00 from Erie County Sewer District No. 4, Fund No. 430, Project No. 693; and \$17,000.00 from Erie County Sewer District No. 6, Fund No. 430, Project No. 914; and be it further

RESOLVED, that \$23,000.00 from Erie County Sewer District No. 2 Fund balance 220 852 299 be allocated and transferred to use of Fund balance 220 852 821 698105 and Contractual Services 220 852 820 830, for the Kellerman, Pinehurst and Schriener Road Pumping Stations; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning; one certified copy each to James Liddle, Erie County Comptroller's Office; and to Gregory Dudek, Assistant County Attorney.  
 (5-0)

5.       Item                      Page                      -2002                      (Comm. 8E-38)  
               **COUNTY EXECUTIVE**

WHEREAS, County of Erie/Erie County Sewer District No. 3 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Greenmeadow Subtrunk Sanitary Sewer and identified as CWSRF Project No. 6649-05, herein called the "Project", is desirable and

in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the state of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.

4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.

5. This Resolution shall take effect immediately.  
(5-0)

6. Item Page -2002 (Comm. 8E-39)

# **COUNTY EXECUTIVE**

WHEREAS, County of Erie/Erie County Sewer District No. 3 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southwestern Subtrunk Sanitary Sewer and identified as CWSRF Project No. 6649-06, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

7. Item Page -2002 (Comm. 8E-40)  
**COUNTY EXECUTIVE**

WHEREAS, County of Erie/Erie County Sewer District No. 2 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Lakecrest Subdivision/Route 5 Sanitary Sewer Rehabilitation and identified as CWSRF Project No. 6646-10-00, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and



WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and

one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.

5. This Resolution shall take effect immediately.

(5-0)

8. Item Page -2002 (Comm. 8E-41)

**COUNTY EXECUTIVE**

WHEREAS, County of Erie/Erie County Sewer District No. 2 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Utica Subtrunk Sanitary Sewer Replacement and identified as CWSRF Project No. 6646-11, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

9. Item Page -2002 (Comm. 8E-42)

#### **COUNTY EXECUTIVE**

WHEREAS, County of Erie/Erie County Sewer District No. 6 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Bethlehem Park Sewer Rehab/Replacement and identified as CWSRF Project No. 6650-08, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter

744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

10. Item Page -2002 (Comm. 8E-44)

**COUNTY EXECUTIVE**

WHEREAS, New York State is developing a new Accident Location Information System, which includes the creation of a statewide digital street map file; and

WHEREAS, to facilitate the development of an accurate digital street map file, New York State has requested that Erie County enter into a Local Data Provider Agreement to share certain geographic information system databases; and

WHEREAS, the Local Data Provider Agreement grants Erie County unrestricted use of the new digital street map file, at no cost to the County,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter in the Local Data Provider Agreement with the New York State Office of Technology; and be it further

RESOLVED, that said Agreement shall have no funds associated with it; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller and the County Attorney.

(5-0)

11. Item Page -2002 (Comm. 8E-45)

**COUNTY EXECUTIVE**

WHEREAS, Erie County is an Affiliate Data Center of the New York State Data Center, having an Agreement authorized by the Erie County Legislature and executed by the County Executive for the period January 1, 1997 to December 31, 1999; and

WHEREAS, Affiliate Data Center Agreements are amended every two years for a new two-year term; and

WHEREAS, Erie County needs to amend the existing Agreement to cover the current two-year period ending on December 31, 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an amended Agreement with New York State for continuation of the County's status as an Affiliate Data Center through December 31, 2002; and be it further

RESOLVED, that said Agreement shall have no funds associated with it; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller and the County Attorney.

(5-0)

12. Item Page -2002 (Comm. 8E-48)

**COUNTY EXECUTIVE**

WHEREAS, The Erie County Sewer District No. 2 has need to retain the services of an Engineer to provide services required for the design of, and services during construction for, the Buffalo Beach, Herr Road, Shore Cliff, Point Breeze and Lake Street Pumping Stations rehabilitation and upgrades; and

WHEREAS, the Erie County Sewer District No. 2 and the Department of Environment and Planning have recommended the firm of URS Corporation, 262 Delaware Avenue, Buffalo, New York 14202, to perform the engineering services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of URS Corporation, 262 Delaware Avenue, Buffalo, New York 14202, to provide the engineering services required, subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate \$1,360,264.87 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 178, for payment of the engineering services contained in the Agreement, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one copy to Gregory Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.

(5-0)

13. Item Page -2002 (Comm. 8E-49)

**COUNTY EXECUTIVE**

WHEREAS, the National Association of Counties and ESRI has solicited for grant applications in accordance with the Intermediate Level Grant Program; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to applying for a grant under this program and has recommended application be made; and

WHEREAS, it is anticipated that the National Association of Counties and ESRI will provide a complimentary GIS software, appurtenances and training package to the Department of Environment and Planning, Division of Sewerage Management should an award be made.

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to make application to the National Association of Counties and ESRI for a grant award under the Intermediate Level Grant Program; and be it further

RESOLVED, that should a grant be received that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one copy to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney, and Joseph Passafiume, Director, Budget, Management and Finance.  
(5-0)

**JOHN W. GREENAN**  
**CHAIRMAN**